

**MINUTES
of the
SIXTH MEETING
of the
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**December 4-5, 2014
Room 322, State Capitol
Santa Fe**

The sixth meeting of the Courts, Corrections and Justice Committee (CCJ) was called to order by Representative Gail Chasey, co-chair, on December 4, 2014 at 9:44 a.m. in Room 322 of the State Capitol.

Present

Rep. Gail Chasey, Co-Chair
Sen. Richard C. Martinez, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Zachary J. Cook
Rep. Emily Kane (12/5)
Sen. Linda M. Lopez (12/4)
Rep. Georgene Louis
Sen. Cisco McSorley
Rep. Jane E. Powdrell-Culbert
Rep. William "Bill" R. Rehm
Sen. Sander Rue
Sen. Lisa A. Torracco (12/5)

Absent

Sen. Joseph Cervantes
Rep. Yvette Herrell
Rep. Mimi Stewart

Advisory Members

Sen. Jacob R. Candelaria
Rep. Antonio "Moe" Maestas (12/4)
Sen. Bill B. O'Neill*
Sen. John Pinto
Rep. Sheryl Williams Stapleton

Rep. Phillip M. Archuleta
Sen. Craig W. Brandt
Rep. Cathrynn N. Brown
Rep. Brian F. Egolf, Jr.
Rep. Kelly K. Fajardo
Rep. Miguel P. Garcia
Sen. Daniel A. Ivey-Soto
Rep. Paul A. Pacheco
Sen. William H. Payne
Rep. Patricia Roybal Caballero
Sen. Michael S. Sanchez

(Attendance dates are noted for members not present for the entire meeting.)

*Senator O'Neill was appointed to serve as a voting member on December 4 to constitute a quorum.

Staff

Douglas Carver, Staff Attorney, Legislative Council Service (LCS)

Caela Baker, Staff Attorney, LCS

Monica Ewing, Staff Attorney, LCS

Julio Garcia, Legislative Intern, LCS

Carolyn Ice, Legislative Intern, LCS

Minutes Approval

Because the committee will not meet again this year, the minutes for this meeting have not been officially adopted by the committee.

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file.

Thursday, December 4

Representative Chasey welcomed the committee and audience members and expressed her excitement about the committee's progress during the 2014 interim. The committee met as a subcommittee at the start of the meeting, and Senator O'Neill was named a voting member of the committee for the day. The committee approved its minutes from the September and October meetings without objection.

Human Trafficking

Susan Loubet, executive director of New Mexico Women's Agenda, explained that the Human Trafficking Task Force was assembled in response to a memorial and it examined sexually exploited youth and how victims of trafficking access services if they are not charged with a crime.

A congressional report from 2010 showed that human trafficking may be increasing because the risks associated with criminal sexual exploitation are relatively low and, if victims of the crime are not stabilized and offered services, law enforcement cannot prosecute the crimes. The task force also determined that it would be beneficial to institute a mandatory formal training on human trafficking for law enforcement provided by criminal justice professionals. She added that adult and minor victims need to be treated differently and service providers have to be trained to recognize victims of trafficking.

Ms. Loubet said that safe harbor legislation can be complicated to draft because of the number of entities that are involved in a safe harbor plan. She said that the task force would like to continue its work for this reason.

A committee member suggested that, during the 2015 interim, the task force could explore the types of services that need funding to meet the needs of human trafficking victims. Another committee member said that it would be important to include district attorneys in training and education provided to law enforcement officers.

A member thanked the presenter for her recommendations and for discussing the various programs that are providing services to victims. He added that it can be difficult for policymakers to understand where funding is needed without a full understanding of the many programs providing services. He finally suggested that the membership of the task force may need to be expanded so that issues related to trauma and substance abuse could be included in the task force's work.

A member said that it is problematic to mandate additional training for law enforcement officers because the maximum number of training hours has already been mandated. Another member said that human trafficking training could be part of other mandated training hours.

Consideration of Legislation — A Bill to Cap the APR on Loans at 36%

Representative Chasey presented the bill to the committee. She said that the bill would align New Mexico with 20 other states, and federal law with respect to military personnel, and could help New Mexicans avoid debt. The New Mexico Fair Lending Coalition has worked throughout the state to increase awareness and raise support for this issue. She learned that poor New Mexicans are paying \$99 million every year into interest and fees associated with high-interest loans and that money is leaving the state's economy.

A member expressed support for the bill and said it is distressing to see so many high-interest lending businesses opening up in certain parts of Albuquerque. Another member agreed and said that Hispanics in Albuquerque are being targeted by high-interest lenders that often secure loans using car titles.

A member asked why banks are opposed to this kind of legislation. A member responded that it is possible that banks own an interest in the high-interest lending companies. Another member said that the high-interest lending companies have to borrow from banks in order to have funds for lending to consumers and that this could be the reason for banks' opposition to the legislation.

The committee voted to endorse the bill.

Consideration of Legislation — Children Abandoned in Cars

Mr. Carver presented the bill to the committee. A member expressed support with the bill's concept, and another member asked whether the bill is the same bill that was heard by the House Consumer and Public Affairs Committee. Mr. Carver said that it was the same bill, except that the penalty has been decreased.

A member said that it is difficult to find probable cause for this crime.

The committee did not endorse the bill.

Consideration of Legislation — Expanding Ban the Box to Private Employers

Senator O'Neill presented the bill to the committee. He explained that the impact of this bill would be at the time when a person is initially filling out an application for a job. The bill would allow an applicant's initial qualifications to be considered and then, when interviewed, the person could explain any crime-related circumstances to a potential employer in person. An employer would be free to eliminate a person from consideration, but it would help an applicant's qualifications to be considered without initial prejudice related to the applicant's criminal record.

Senator O'Neill stressed that people who are working to improve their lives after a period of incarceration or homelessness need to be given an opportunity to explain their past to an employer and that this bill would ensure that they have that opportunity. He added that it is difficult to expect formerly incarcerated persons to live productive lives and contribute to their communities if they are unable to secure even an interview for a job. The bill, he said, is similar to legislation in other states, but it is not as far-reaching.

A member noted that the unemployment rate for persons who have committed a felony is up to 70%. This bill could help to reduce recidivism and help reform criminal justice in the state. Another member agreed and said that securing employment and housing are the two most important things for formerly incarcerated persons who do not recidivate.

The committee voted to endorse the bill.

Consideration of Legislation — Including the Homeless in the Hate Crimes Act

Senator O'Neill presented the bill to the committee. He said that the bill would help protect homeless persons who are the victims of hate crimes. He recalled that many homeless persons would come to a shelter having been assaulted.

A member noted that there are categories of crimes that protect people who are defenseless or do not have a voice to defend themselves and that homeless persons often do not have a way to receive justice when they are victims of crime.

Senator O'Neill said that the bill will not solve the problem of crime against homeless persons, but it will send a clear message and increase awareness.

In response to a question, Ms. Baker said that the bill was drafted to capture actions that are motivated by hate and the law would apply to a crime committed by a homeless person against another homeless person if the crime was motivated by hate. She added that a hate-crime-related sentencing enhancement is discretionary for a first degree felony and one year for a misdemeanor, and she said that the enhancement cannot increase a misdemeanor conviction to a felony conviction.

Senator O'Neill informed the committee that the bill language is based on a statute in Washington.

The committee voted to endorse the bill.

Consideration of Legislation — A Bill That Makes a Technical Fix to the Criminal Sentencing Act Regarding Criminal Sexual Penetration

Senator Candelaria presented the bill to the committee. He said that the bill simply includes a technical revision to language to provide a sentence for first degree criminal sexual penetration where there currently is not a sentence provided. He added that in a previous legislative session, the first and second degree penalties were revised but one was erroneously omitted.

The committee voted to endorse the bill.

Consideration of Legislation — Bills Proposed by the Administrative Office of the Courts

Representatives from the Administrative Office of the Courts (AOC) presented several bills for the committee's consideration. After a brief discussion, the committee voted to endorse the bill marked AOC 1.

With respect to the bill marked AOC 2 — a bill that addresses appeals processes from municipal courts — a representative from the AOC said that the bill provides for a municipal court to appeal to the New Mexico Court of Appeals and then to the New Mexico Supreme Court. The committee voted to endorse the bill.

The bill marked AOC 3 clarifies Section 37-1-3 NMSA 1978 to establish the statute of limitations for action by a judgment creditor. The committee voted to endorse the bill.

The committee briefly discussed the bill marked AOC 4, which establishes a language access fund. After a brief discussion regarding the use of court interpreter certification, the committee voted to endorse the bill.

The bill marked AOC 5 allows for the director of the AOC to receive funds, grants and other revenues in the same manner as secretaries of departments. The committee voted to endorse the bill.

The bill marked AOC 6 relates to the option to allow people to serve time in jail in lieu of paying a fine. The bill aligns the calculation of time served in lieu of a fine with the minimum wage provisions. Grace Philips, the general counsel for the New Mexico Association of Counties, said that the counties are very concerned about the bill because the county jails are consistently overcrowded and the change to the law could be costly for counties. A member said that the provision allowing time served in lieu of payment of a fine was an effort to help people who could not afford a fine. A member asked the New Mexico Magistrate Court Judges Association and the New Mexico Association of Counties to work together to present a compromise to the committee. The committee did not endorse the bill.

The bill marked AOC 7 includes a slight revision to the alternative dispute resolution system to provide for litigants to pay for the service on a sliding-scale basis. A member asked about the current fees charged, and the presenter said that the total fee is \$15.00 now, but the bill would authorize the court to charge parties a sliding-scale fee in the event that the parties want to hire a mediator. The committee voted to endorse the bill.

Consideration of Legislation — A Memorial Requesting a Study of Clinical Service Options for Individuals with Serious Mental Illness Who Are in Custody Awaiting Trial

Ms. Philips presented a joint memorial to create a task force to address persons in jail populations who have a serious mental health concern. She said that a small percentage of persons in jails have diagnoses such as schizophrenia or psychosis but that those persons are hard to manage. Detention facilities are stressful for people who have mental health concerns, and those people often have the longest terms of incarceration. Few of the state's jail facilities have staff members who are trained to work with persons with mental illness, so the memorial would help to start work on identifying solutions to these concerns. The committee voted to endorse the legislation.

Consideration of Legislation — A Bill to Place the Special Investigations Division and the Motor Transportation Division Under the New Mexico State Police Division

Greg Fouratt, the secretary of the Department of Public Safety (DPS), informed the committee that the bill merges all of the commissioned officers into one division within the DPS. He said that the officers will all have New Mexico State Police commissions but their individual missions will remain unchanged and all of the officers will be categorized in the military-exempt system. The costs associated with the bill will be minimal and paid out of the DPS's current budget. Pete Kassetas, chief of the New Mexico State Police, said that the bill is important to help remedy what has been unequal treatment among the officers, and he added that the State Personnel Office is also supportive of the bill.

A member asked how the budgets will work for the three entities, once merged, and Secretary Fouratt said that the Legislative Finance Committee has informed the DPS that the Motor Transportation Division should remain separate from the programming budget. He added that he is hopeful that the DPS will earn the legislature's trust and that eventually all of the budgets can be combined.

A member asked why a board was being removed in the bill text, and Secretary Fouratt said that the board has not existed for 30 years and the bill is cleaning up outdated language.

Another member asked a question about law enforcement training, and a member clarified that the Albuquerque Police Academy is separate from the state academy. Secretary Fouratt added that all academies train to a basic level of instruction or they lose their accreditation.

A member asked that Secretary Fouratt inform the committee if the department is in need of additional funding for communications equipment.

The committee took public comment on the bill, and a member of the public suggested that the attorney general or a representative from that office should serve on the New Mexico Law Enforcement Academy (LEA) Board. The committee voted to endorse the bill.

Consideration of Legislation — A Bill to Make the Indigent Defense Act and the Public Defender Act Congruent

Jorge Alvarado, the chief public defender, presented the bill to the committee. In response to a member's question, Mr. Alvarado said that if a public defender was not available and the court assigns an attorney to an indigent party, the Indigent Defense Act would pay for that representation. After a short discussion, the committee voted to endorse the bill.

Consideration of Legislation — A Bill Proposing Revisions to Procedures and Criteria for Sex Offender Parole Hearings

Tony Ortiz, director of the New Mexico Sentencing Commission, presented the bill to the committee and said that some of the items in the bill were discussed with the Sex Offender Management Board and that Kim Chavez-Cook and Sarah Gallegos from the Public Defender Department incorporated feedback into the bill's text. He added that the provision for a risk-needs assessment for sex offenders, which was included in the 2013 version of the bill, is still included in the current bill.

Ms. Chavez-Cook said that the statute is sometimes, but not always, read to create a five-year parole presumption that extends to 20-years-to-life only if necessary. She said that additional minor changes were made to allow for polygraph examinations and to ensure that the examinations receive Fifth Amendment protections.

Sherry Stephens, executive director for the Adult Parole Board, said that the board reviewed the draft legislation and made recommendations.

A member asked a question about the protections afforded to polygraph tests, and Ms. Chavez-Cook said that the polygraph examinations are not given to establish a violation of parole but are given as part of a person's treatment program. Another member added that the policy is to encourage the person to tell the truth, so it is important that it is kept confidential.

The committee voted to endorse the bill.

Consideration of Legislation — A Bill to Provide for Supervised Assistant Outpatient Treatment

Senator Mary Kay Papen presented the bill to the committee with the assistance of Shawn Mathis from the LCS. Senator Papen said that the bill would provide for court-ordered outpatient treatment in a civil proceeding. She said that an analogous program in Texas usually has about 80 persons in the program at any one time. The treatment provided for in the program is humane and does not apply to persons with disabilities or brain injuries. It does not allow for forcible medication administration or sanctions against a person for refusing treatment, but the program could reduce arrests, hospitalizations and incarceration of persons with mental illness.

Ms. Mathis recalled that the committee had questions about the program during the last presentation about the bill. She said that Judge Oscar Kazen, who runs the program in Texas, has reported that the state has saved \$1 million to \$1.3 million through the participation of 10 clients. She added that if the Texas program's costs are divided by the average number of participants, the cost of the program is significantly less than the daily rate for a person to stay in mental health facilities in New Mexico.

Ms. Mathis said that the program incorporates approaches used in 45 states and the District of Columbia. It provides for many types of services, including medical services. Guardians and surrogate decision-makers are included in the process created in the bill, and a person's advance mental health directive is considered. The program is intended to prevent relapse and deterioration of a person with mental illness.

In response to a member's question, the presenters said that the program established in the bill begins with the filing of a petition by a caregiver, family member, mental health professional or professional in a hospital. The petition provides that the person meets the criteria for the program. A member asked who develops a patient's treatment plan, and the presenters said that the treating physician develops the plan typically because the patient was already hospitalized and the program is a part of the patient's release from treatment.

A member asked how patients in the program are monitored, and the presenters said that caseworkers can visit the patients during the week and the patient, judge and caseworkers meet every week. Family members are sometimes part of the process as well.

A member expressed apprehension about the services that would be needed pursuant to the bill because of the recent upset of the behavioral health system in the state and also because of overburdened courts in the state. A presenter said that the legislation is structured so that the program legislation can be implemented and a judge can build the actual program as services and resources allow.

Senator Papen said that four judges in four communities in the state are already interested in starting an assisted outpatient treatment program and will start looking for funding once the legislation is in place.

A member asked what kind of input has been received from the disability community. A public member of the audience said that Disability Rights New Mexico is concerned about the bill and believes that the legislature should try to address the state's behavioral health needs. He added that it is difficult to take this position because his organization has previously worked well with Senator Papen. He said that most states do not have a bill that looks like this one and that his organization is concerned about the number of people who are authorized to file a petition. He added that he believes that ordering this kind of treatment can be contrary to the wishes of people who already have treatment guardians and planned directives for health care. He is also concerned about the lack of funding to carry out the services provided for in the bill.

The presenters said that treatment guardians are considered in the process and that no other state has a bill like this bill because it was drafted for New Mexico. They added that input from the community has been sought and considered.

Another community member, Ellen Pinnes, said she agrees with the previous public comments and added that the National Alliance on Mental Illness was consulted but the Disability Coalition and Disability Rights New Mexico were not.

The presenters said that the program works to identify people who have been repeatedly dangerous to themselves or others.

Several members expressed confusion with the fact that the disability advocacy community is divided about the bill.

The committee voted to endorse the bill.

Consideration of Legislation — A Bill to Provide for Due Process for Medicaid Providers

Senator Papen presented the bill to the committee. She said that following the takeover of the behavioral health system, those providers who were not found to have committed fraud should be allowed to continue to operate.

After a short discussion, the committee voted to endorse the bill.

Public Comment

A member of the public expressed concerns related to the Law Enforcement Safe Pursuit Act. He said that he believes the state police do not comply with that act. A member said he would like to evaluate the person's comments and asked that committee staff write a letter to the New Mexico Law Enforcement Academy inquiring about its procedures related to that act. The committee voted to have the letter sent to the academy.

Friday, December 5

University of New Mexico School of Law — Update on Developments

David J. Herring, dean, University of New Mexico (UNM) School of Law, provided an update on developments at the UNM School of Law. He indicated that about 80% of graduates from the UNM School of Law find jobs requiring a Juris Doctor within the first nine months after graduation, which is better than the national average. In addition, 90% of graduates of the law school pass the bar exam on the first attempt.

Dean Herring stated that the Utton Transboundary Resources Center is working to become an objective policy analysis center specializing in the areas of water and energy; however, the budget for the center is tight and there is only enough funding for two staff attorneys. The budget for the center has shrunk from over \$600,000 to around \$300,000.

Additionally, the law school is committed to establishing an environmental law clinic that would engage in policy work and expanding the Southwest Indian Law Clinic (SILC). He stated that the SILC works in tribal communities and with tribal governments and that the law school would like to expand this outreach. Currently, the SILC is approximately 60% funded by state funds. The SILC currently has two faculty members, and the law school would like to add an additional faculty member to the SILC.

The law school is also pursuing funding from the W.K. Kellogg Foundation to plan a legal education program that would train students to serve in the child welfare arena. The law school has hired a new director for the Judicial Education Center, which provides training to judges. Finally, the law school is working to develop an accelerated "3/3" program that would allow students in the honors program at UNM to spend their fourth year of undergraduate education taking law classes; this would replace the first year of law school.

Dean Herring indicated that the biggest weakness at the law school is the lack of funding for student scholarships. He stated that Arizona State University and Texas Tech University offer financial aid packages that are much better than what the UNM School of Law can offer. As a result, the UNM School of Law is not able to attract some of the best students.

Consideration of Legislation — Criminal Justice Reform Subcommittee (CJRS) Endorsed Bills

Senator Torracco, co-chair, CJRS, presented the following legislation endorsed by the CJRS during the 2014 interim.

A Bill Concerning Month-to-Month Good Time While on Probation

This bill would provide that a person who has had 30 days of supervised probation without incident shall have 30 days removed from the length of the person's probation sentence.

Upon a motion by Senator Martinez, seconded by Representative Kane, the CCJ voted unanimously to endorse the bill.

A Bill Creating the Crime of Aggravated Battery with Permanent Injury

This bill would create the crime of aggravated battery with permanent injury, carrying a sentence of zero to six years. After discussion by members of the CCJ and upon a motion duly made and seconded, the CCJ declined to endorse the legislation, with one vote in opposition to the motion.

A Bill Concerning Halfway Houses and Transitional Living Facilities

This bill would enact the Halfway House and Transitional Residential Facility Act, requiring the Corrections Department to operate halfway houses and transitional residential facilities in each probation and parole region. Upon a motion by Representative Alcon, seconded by Senator Martinez, the CCJ voted unanimously to endorse the bill.

A Bill Providing for Procedures to Enhance the Accuracy of Eyewitness Identifications

This bill would establish and require law enforcement agencies to adopt policies to enhance the accuracy of eyewitness identification procedures. Upon a motion by Representative Chasey, seconded by Representative Louis, the CCJ voted unanimously to endorse the bill.

A Bill to Create the Penalty of High Misdemeanor

This bill would create the penalty of high misdemeanor with a sentence of less than 15 months imprisonment. The bill would not assign the penalty to any existing crimes, but rather create the penalty so that specific crimes could be designated as high misdemeanors in the future. After discussion by members of the CCJ, and upon a motion duly made and seconded, the CCJ declined to endorse the bill.

A Bill Requiring the Corrections Department to Expand the Availability of High School Equivalency Credential Classes

This bill would require the Corrections Department to expand the availability of high school equivalency credential classes. Upon a motion by Senator Rue, seconded by Representative Powdrell-Culbert, the CCJ voted unanimously to endorse the bill.

A Bill Requiring the Corrections Department to Use a Validated Risk and Needs Assessment for All Inmates

This bill would require the Corrections Department to use a validated risk and needs assessment for each inmate to determine each inmate's need for prison programming. In addition, it would define "evidence-based program" and require the use of evidence-based programming to be phased in over time, with 50% of inmate program funding to be spent on evidence-based programs by January 1, 2019. Upon a motion by Senator Rue, seconded by Senator O'Neill, the CCJ voted unanimously to endorse the bill.

A Bill to Require the Corrections Department to Evaluate Inmates Eligible for Medical and Geriatric Parole

This bill would require the Corrections Department to evaluate and submit a list of inmates eligible or who may become eligible for medical or geriatric parole to the Adult Parole Board each quarter. The bill would further require the Adult Parole Board to determine whether inmates listed on quarterly reports are eligible for parole. Upon a motion by Representative Rehm, seconded by Senator Martinez, the CCJ voted unanimously to endorse the bill.

A Bill to Require Evidence-Based Behavioral Health Treatment Programs to be Incorporated into Community Corrections and Intensive Supervision Programs

This bill would require the Corrections Department to incorporate evidence-based behavioral health treatment programs into community corrections and intensive supervision programs over the course of four years. Upon a motion by Senator Rue, seconded by Senator Martinez, the CCJ voted unanimously to endorse the bill.

A Bill to Require a Person Assigned to an Intensive Supervision Program to Also Be Enrolled in a Behavioral Health Program

This bill would require the use of a validated risk and needs assessment for each person assigned to an intensive supervision program and would require enrollment in an appropriate behavioral health program. Upon a motion by Representative Kane, seconded by Senator O'Neill, the CCJ voted unanimously to endorse the bill.

Consideration of Legislation**A Bill to Provide for the Continued Medicaid Enrollment for Incarcerated Individuals**

Senator Gerald Ortiz y Pino presented a bill that would require the Human Services Department to provide for continued Medicaid enrollment for eligible incarcerated individuals who were enrolled in Medicaid upon incarceration and would further provide for new enrollment in Medicaid for individuals released from incarceration and eligible for Medicaid. A version of this bill was previously presented to the CJRS, which deferred action on the bill to the full CCJ. Upon a motion by Representative Alcon, seconded by Representative Louis, the CCJ voted unanimously to endorse the bill.

A Bill Requiring Those Convicted Solely of Misdemeanor or Petty Misdemeanor Offenses to Be Sentenced to County Jail

Senator Torraco presented a bill providing that if a person is sentenced for multiple offenses, and if the crimes for which the person is being sentenced are solely misdemeanor or petty misdemeanor offenses, or violations of probation for a misdemeanor or petty misdemeanor offense, the person shall serve the sentence in the county jail, regardless of whether the total time of commitment is over one year. Upon a motion by Representative Chasey, seconded by Senator Rue, with two votes in opposition, the CCJ voted to endorse the bill.

Uniform Law Bills

Jack Burton, Uniform Law Commission, presented four bills to the CCJ for endorsement:

- a bill enacting the Uniform Powers of Appointment Act and making technical and conforming changes to the Uniform Probate Code and Uniform Trust Code was endorsed unanimously upon a motion duly made and seconded;
- a bill to enact the Revised Uniform Limited Liability Company Act was endorsed unanimously upon a motion by Representative Alcon, seconded by Representative Chasey;
- a bill to enact the Uniform Fiduciary Access to Digital Assets Act was endorsed unanimously upon a motion by Representative Rehm, seconded by Representative Alcon; and
- a bill amending the Uniform Commercial Code and the Uniform Fraudulent Transfer Act was endorsed unanimously upon a motion by Representative Rehm, seconded by Representative Chasey.

A Bill to Set the Unit of Prosecution for Child Pornography Cases

R. David Pederson, general counsel, Office of the Attorney General (OAG), presented a bill that would make possession of each separate image of a child prosecutable as a separate criminal offense under the statute pertaining to sexual exploitation of children. After discussion by members of the CCJ and upon a motion by Senator McSorley, seconded by Representative Chasey, the CCJ declined to endorse the bill.

A Bill Creating a Fund for the Internet Crimes Against Children Unit

Mr. Pederson, Anthony Maez, special agent in charge, OAG, and Paul Jagosh, National Association to Protect Children, presented information concerning the Internet Crimes Against Children (ICAC) Unit of the OAG and its efforts to combat child exploitation. Mr. Pederson presented a bill that would create a fund for the ICAC Unit and impose an initial registration fee upon each person registering as a sex offender in New Mexico. The fee collected would be deposited in the ICAC Unit fund. Upon a motion by Senator Martinez, seconded by Representative Kane, the CCJ voted unanimously to endorse the bill.

A Bill Requiring the Attorney General to Prosecute Crimes Committed by Law Enforcement Officers

Representative Chasey presented a bill to require the attorney general to prosecute any law enforcement officer charged with a violent felony, assault against a household member, abuse of a child or any crime for which registration under the Sex Offender Registration and Notification Act is required. Upon a motion by Representative Chasey, seconded by Representative Powdrell-Culbert, the CCJ voted to endorse the bill, amended to provide that the attorney general shall not only prosecute, but also investigate, the crimes specified. There was one vote in opposition to the endorsement.

Settlement Agreement Between the Albuquerque Police Department (APD) and the Department of Justice

Kathleen Love and Steven Robert Allen of APD Forward discussed the efforts of the APD Forward campaign and provided legislative proposals. The legislative proposals are to:

- implement a statewide law requiring the use of body-worn cameras for all law enforcement officers;
- restrict the use of SWAT teams to scenarios in which there is a likelihood of an imminent threat of death to civilians or law enforcement officers;
- amend the Tort Claims Act to include a fee-award provision for tort claims based on injuries caused by law enforcement officers while acting within the scope of their duties; and
- remove the \$400,000 cap on recovery provided for in the Tort Claims Act.

Members of the CCJ discussed the proposals and asked questions.

Public Comment

Chris Mechels discussed the settlement agreement between the Department of Justice and APD and expressed his concern that other local police departments in the state suffer from many of the same problems as APD. He encouraged members of the CCJ to review the settlement agreement. Finally, he expressed concerns about the LEA. He requested that the CCJ send a letter to the LEA concerning compliance issues. Upon a motion by Senator McSorley, seconded by Representative Chasey, the CCJ voted to send a letter to the LEA.

Lisa Seepaul, Strong Families New Mexico, expressed support for the Medicaid bills endorsed by the CCJ, as well as the CCJ-endorsed bill that would require the establishment of halfway houses and transitional living facilities.

Adjournment

There being no further business before the committee, the sixth meeting of the CCJ adjourned at 4:25 p.m.